IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 9097 of 1995

Between:

R.Galemma W/o.late Sreeramulu,
R/o.Jagannadhapuram, Wazeedu Mandal, Khammam District.

..... PETITIONER

AND

1 The Commissioner of Survey & Settlements and

Land Records of Andhra Pradesh at Hyderabad.
2 The Mandal Revenue Officer, Wazeedu Mandal,
Khammam Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ or direction more particularly one in the nature of Writ of Certiorari calling for the records connected with the order of the 1st respondent in his proceedings CSS & LR.L1/68/92, Dt.10/7/92 in respect of the land admeasuring H.A.1.85.5 cents in Survey No.18/1 situated at Arunachalapuram, Wazeedu Mandal, Khammam District and quash the same as illegal, arbitrary, contrary to the principles of natural justice.

Counsel for the Petitioner: MR. S.PRADEEP KUMAR

Counsel for Respondents: GOVERNMENT PLEADER FOR REVENUE

The Court made the following:

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ORDER:

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This writ petition is filed questioning the order dated

10-07-1992 passed by the Commissioner, Survey, Settlements and Land Records,

Andhra Pradesh, Hyderabad in Proceedings CSS & LR.L1/68/92 rejecting the appeal preferred by the petitioner under the A.P. Scheduled Areas Ryotwari Settlement Regulation, 1970 (Regulation No.II of 1970).

The Settlement Officer, Venkatapuram Unit, at Bhadrachalam has initiated *suo motu* enquiry under Section 9 of Regulation No.II of 1970 for grant of ryotwari patta in respect of land in Survey No.18/1 admeasuring Ac.1-85.5 cents situated at Arunachalam Village, Nugur Taluq of Khammam District. The enquiry was conducted with reference to the claims on two different Survey Nos.18/1 and 18/2. While granting issuance of ryotwari patta to the claimant with regard to the land covered by Survey No.18/2, the Settlement Officer refused to grant patta so far as the land claimed by the petitioner with reference to the land in Survey No.18/1 on the ground that the said land is recorded as “banjar” land but not the land covered by part of the estate. As against the said order, the petitioner preferred an appeal before the Director of Settlements, Andhra Pradesh, Hyderabad and the same was rejected on the ground that there was a delay of one year and 83 days in filing the appeal. Further, against the order of the Director of Settlements, appeal was preferred before the Commissioner, Survey, Settlements and Land Records, Andhra Pradesh, Hyderabad with a delay of 7 years. The appellate authority has considered the grounds mentioned for condonation of delay in the impugned order, rejected the same as the reasons are not convincing.

In this writ petition, it is submitted by the learned Counsel for the petitioner that the petitioner is in continuous possession of the land in question, as such further opportunity is to be given to consider for grant of ryotwari patta for the land covered by Survey No.18/1.

In this case, it is to be seen that though the appeal preferred by the petitioner was rejected by the Director of Settlements, Andhra Pradesh, Hyderabad, as early as in the year 1984, the further appeal came to be filed with a delay of more than 7 years. No valid reasons are mentioned for condonation of delay and further, no evidence was adduced to prove that the said land is a part of the estate for grant of ryotwari patta under Regulation No.II of 1970. The reasons assigned by the appellate authority i.e. the first respondent herein, refusing to condone the delay are valid and I do not find any valid ground to interfere with the said order.

The writ petition is devoid of merits and the same is accordingly dismissed. No order

as to costs.

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R.SUBHASH REDDY, J

11th February, 2005.

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Commissioner of Survey, Settlements and

Land Records, Andhra Pradesh, Hyderabad.

2 The Mandal Revenue Officer, Wazeedu Mandal,
Khammam District.

3 Two CCs to the Government Pleader for Revenue,

High Court Buildings, Hyderabad (O.U.T).

4 Two CD copies.